

Kanwal M. Singh (#183596)
LAW OFFICE OF KANWAL SINGH
1050 N. Carpenter Rd., Suite E
Modesto, CA 95351
Telephone No.: (209) 523-8360
Facsimile No.: (209) 523-8362

Attorney for: **RAJVINDER SINGH**, Plaintiff.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

RAJVINDER SINGH,) CASE NO: CV 07-04772 JW
Plaintiff,)
v.)
MICHAEL CHERTOFF, Secretary of) COMPLAINT FOR
Homeland Security, EMILIO T.) DECLARATORY JUDGEMENT
GONZALES, Director of The U.S.) OF NATURALIZATION UNDER
Citizenship and Immigration Services,) 8 USC 1447(b), 1421(c) AND
ROSEMARY MELVILLE, District) FOR EQUAL ACCESS TO JUSTICE
Director, U.S. Citizenship and) ACT UNDER 5 USC 504 AND
Immigration Services FRANCIS D.) 28 USC 2412
SICILIANO, Officer in Charge of the)
San Jose office of the U.S. Citizenship &)
Immigration Services,)
Defendants.)
)

First Cause of Action

(Declaratory Judgment of Naturalization)

Plaintiff by his attorney, complaining of Defendants, alleges as follows:

1. Plaintiff is an individual and resident of the United States who resides within the jurisdiction of this Court. Plaintiff's claim to naturalization arises under 8 USC § 1447(b) and 8 USC § 1421(c).
2. Defendant, MICHAEL CHERTOFF, is the Secretary of the Department of Homeland

1 Security (DHS), EMILIO T. GONZALES, is the Director of the United States Citizenship
2 and Immigration Services (USCIS) of the DHS, ROSEMARY MELVILLE is the District
3 Director of the San Francisco District of the USCIS and FRANCIS D. SICILIANO, of the
4 San Jose Regional Office of the USCIS. All Defendants are sued herein in their official
5 capacities. Defendants are responsible for the grant and denial of naturalization applications
6 filed within the San Francisco District pursuant to 8 USC § 1421, 8 USC § 1427, 8 CFR §
7 103.1 (g)(2)(ii), 8 CFR § 310.2 and 8 CFR § 316.3.

8 3. The Court has jurisdiction of this action pursuant to 8 USC § 1447(b), 8 USC § 1421(c) and
9 28 USC § 2201.

10 4. The Plaintiff filed the application for naturalization with the USCIS office.

11 5. On or about November 15, 2004, Plaintiff went to take the test for United States Citizenship
12 and passed his U.S. History and English reading and writing tests.

13 6. Thereafter, Plaintiff has made inquiries about the status of his application and the reasons for
14 the delay in the adjudication thereof. The Defendants' agents told him on each occasion, that
15 he had to wait for security clearance, background check, and name check.

16 7. Plaintiff has a right to have Defendants adjudicate the application, and Defendants' failure
17 to take any action at all has denied Plaintiff his rights under 8 USC § 1421 and 8 USC §
18 1447.

19 8. Defendants' inaction represents a denial of Plaintiff's application, and this Court may review
20 the matter *de novo* under 8 USC § 1421(c) and 1447(c).

21 9. Plaintiff has exhausted his administrative remedies.

22 10. Plaintiff desires a judicial determination of his naturalization application and a declaration
23 that he is entitled to be naturalized as a citizen of the United States.

24 WHEREFORE, Plaintiff prays that:

25 1. The Court will hear Plaintiff's case and render a declaratory judgment that he is entitled to
26 be naturalized; and

2. The Court grant such further relief as may be just, lawful and equitable to the premises;
3. Attorneys fees according to law.

Dated:

Respectfully Submitted by,

LAW OFFICE OF KANWAL SINGH

Kanwal Singh
Attorney for Rajvinder Singh